IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 431 of 2007(B)

PETITIONER:

MUJEEB RAHIMAN, S/O. LATE
MUHAMMEDKUTTY, PULLATTIL HOUSE,
KALLUPALAM, KADAMPUZHA P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENT:

KOTTAKKAL CO-OP. URBAN BANK LTD.
NO.1378, KOTTAPPADI, KOTTAKKAL,
MALAPPURAM DISTRICT, REPRESENTED BY
ITS GENERAL MANAGER.

BY ADV. SRI.DEVAPRASANTH.P.J.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF NOTICE DT. 20-6-2006.

EXT.P2 DO. NOTICE DT. 1-12-2006.

[TRUE COPY]

P.S TO JUDGE.

S. Siri Jagan, J.

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

W.P(C) No. 431 of 2007

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

Dated this, the 27th February, 2007.

J U D G M E N T

A defaulter in repayment of loan amounts due to the 1st respondent-Co-operative Bank is the petitioner herein. He seeks indulgence of this Court in the matter of repayment of the balance amounts due in easy instalments.

2. At the time of admission, this Court had granted an interim stay against the coercive recovery proceedings on condition that the petitioner remits an amount of Rs. 25,000/-, which is admitted to have been paid. Thereafter, by order dated 24-1-2007, the petitioner was directed to pay another sum of Rs. 25,000/-, which has not been paid. The petitioner submits that it is because of financial stringency, he could not pay off the amount and he is prepared to pay the balance amount in instalments at the rate of Rs.25,000/- per mensum. He also requests that the Bank may be directed to waive the penal interest charged by them.

3. Learned counsel for the respondent submits that the amounts due as on 1-12-2006 comes to Rs. 2,50,000/- out of which the petitioner has paid only Rs. 25,000/-. The Bank has no objection in waiving penal interest. However, counsel submits that the petitioner may be directed to pay the amounts in six instalments.

4. After hearing both sides, I dispose of the writ petition with the following directions.

The Bank shall inform the petitioner within two weeks from today the balance amount due from the petitioner after waiving the penal interest, if the above amount includes penal interest also. The petitioner shall pay the said amount in six equal monthly instalments starting from 19-3-2007. Subsequent instalments shall be paid on the 19th of every month. If the petitioner pays the instalments on due dates, further coercive proceedings would be kept in abeyance.

However, if the petitioner commits default in payment of any one instalment, it would be open to the respondent to continue coercive proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

Sd/- S. Siri Jagan, Judge.

Tds/